

Civil Action No.: 2:19-cv-00550 Hughes v. FBI et al

Federal Bureau of Investigation
Washington, D.C. 20535

February 9, 2018

MR. TERRY HUGHES **3453266 CENTRAL REGIONAL JAIL A4-4 1255 DYER HILL ROAD SUTTON, WV 26601



Subject: BROYLES, KEVIN ANDREW X

(Et Al)

Dear Mr. Hughes:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. The FOIPA Request Number listed above has been assigned to your request. Below you will find informational paragraphs relevant to your request. Please read each item carefully.

You have requested records on one or more third party individuals. Please be advised the FBI will neither confirm nor deny the existence of such records pursuant to FOIA exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 522 (b)(6) and (b)(7)(C). The mere acknowledgement of the existence of FBI records on third party individuals could reasonably be expected to constitute an unwarranted invasion of personal privacy. This is our standard response to such requests and should not be taken to mean that records do, or do not, exist. As a result, your request has been closed. For more information about making requests for records on third party individuals (living or deceased), please see the enclosed FBI Third Party Fact Sheet.

Please be advised per standard FBI practice and pursuant to FOIA exemption (b)(7)(E) [Title 5 U.S.C. § 552 (b)(7)(E)], this response neither confirms nor denies the existence of an individual's name on any watch lists. This is a standard response and should not be taken to mean that any individual's name appears, or does not appear, on any watch list.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records subject to the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us."

The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

foiparequestaic. fbi. gov.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- X
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. or (F) could reasonably be expected to endanger the life or physical safety of any individual;
 - (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
 - (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service he release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



U.S. Department of Justice Office of Information Policy Suite 11050 1425 New York Avenue, NW Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Terry Hughes No. 3453266 Central Regional Jail 1255 Dyer Hill Road Sutton, WV 26601

VIA: U.S. Mail

Dear Mr. Hughes:

Kevin Andrew Broyles Re:

Appeal No. DOJ-AP-2018-004355

Request No. 1395319 MWH:JKD

AKA HOLKODY

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for records concerning certain third parties. I note that your appeal concerns your request for records regarding Kevin Broyles.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, the FBI has agreed to conduct a search for responsive records. I note that you have provided proof of death with your appeal. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

8/2/2018

Matthew Hurd, Associate Chief, for

Sean O'Neill, Chief, Administrative Appeals Staff

Signed by: MATTHEW HURD

Case 2:19-cv-00550 Document 1 Filed 07/25/19 Page 4 of 14 PagelD # Ander your Request few a Copy of Any documents in your possession, "whole your Controll, or within you system of Records, or by due of lighter Q > 0 May become Kwown Freedom of Information Act and Privary Acts B. Summary Judgement in F.O.I.A. Cases JUL 25 2019 The Freedom of Information Act was engeted to facilitate public access to Governent documents." U.S. Dept of State V. Ray, 502 U.S. 164, 173, 1125. Ct. 541, 116 Ed. 2d 526 (1991) The purpose of the Act is "to pierce the veil of administrative secrecy and to open agency action to the light of public Scrutiny, Id (citing Dept of Air Force V. Rose) 425 U.S. 352, 361, 96 5. Ct 1592, 48 L Ed 2d 11 -1976) "Consistant with this purpose, as well as the plain language of the Act, the Strong presumption in favor of disclosure places the burdon on the agency to Justify the withholding of any reguested documents I'Id Court's faced with a motion for summary Judgement in a FOIA case generally must conduct a two-step inquiry Berman v. CI.A. 501 F. 3d 1136, 1139 (9th Cir 2007) The first Step ac assessess whether the agency involved met it's investigative obligations under FOIA Zemansky V. U.S EP.A. 767 F. 22 569, 571 (9th Cir 1985). An agency can prove that it met its obligations by showing that it conducted a search reasonable calculated to uncover all relevant documents requested under FOIA Handan V. U.S. Dept of

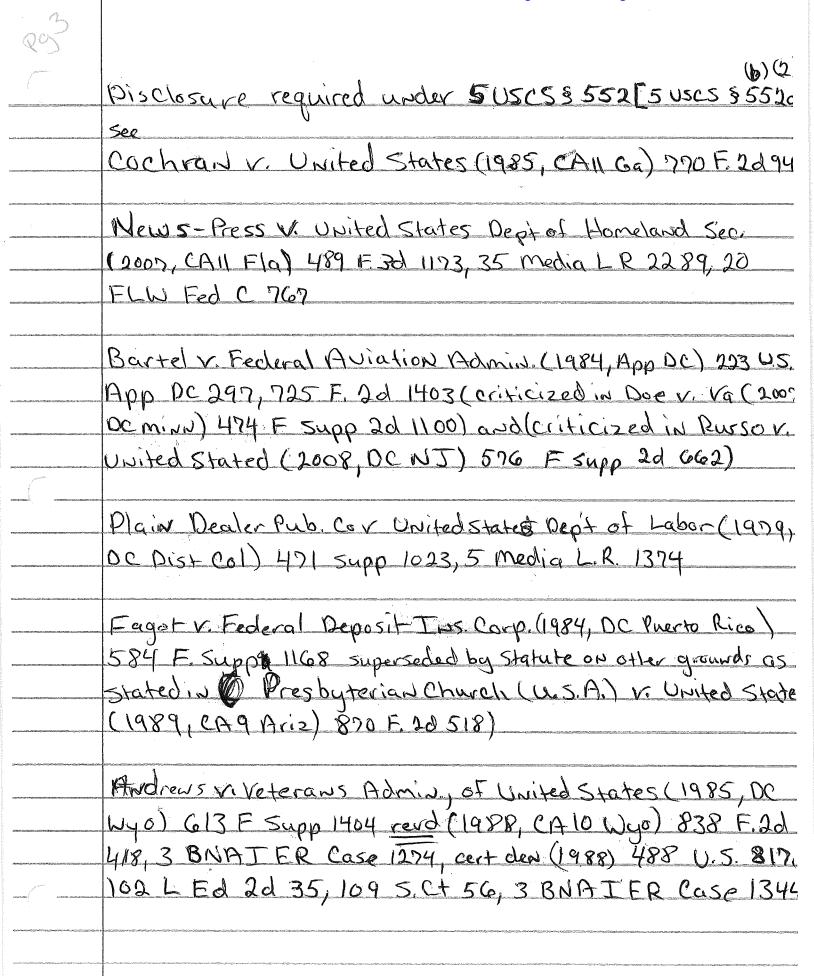
gour system of Record's County, City, State, and

Kevin Andrew Broyles D.O.B 6-30-71 55# 271-76-4293 "AKA" HOT ROC

Micheal Shawe Tenney D.O.B. 55# 2355 - 6288 Wendy Dawn Bennett D.O.B. 11-27-93 55# 235-41-1909

Trevor Ward AKA" Legend

80)



FOIA lowsait under 5. U.S.C. 3 552(4)(4)(B) ON complaint, the district court of the United. States in The district in which the complaint resides, or has a principle place of business or in which the agency records are situated, or in the District of Columbia, has Jurisdiction to enjoin the agency from withholding records, and to order the production of any agency records improperly withheld from the coinplaint. IN such tota case the court shall determine matter de novo, and may examine the contents of such agency records and to order the production any IN banera to determine whether such record or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) this section, and the burdon is on this agency to sub sustain its action. In addition to am other matters to which a court accords substaintial weight a court shall accord substantial weight to an affidavit of an agency conserving the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and preproducibil ity under paragraph (3) (B)

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	Outlaw's Photo's of Armed burial salute
P.197	Club motto - God forgives outlaws don't
4.200 Jakes Jul	or humor. If you do this your Brother will do you.
Parosil	The Outlans are involved in extartion, contract murder motor vehicle theft, gun, and explosive running, armed
	robbery, rape and mail fround, drug trafficing, and prostitute The outlaws are one of the most violent criminal.
	groups operating today! - It will never be known how many people they be killed - Outlaw's must sell
единин на население (и потери в потери В потерите в потерите	members must work in pairs to prevent fuck-ups A towe biker is a templing target - Outlaws can't bear
	losing any battle, on the street, or in court. they spare No \$1, or effect to intimidate witnesses, or
8.2086. S	
	Members of the Youngstown, Ottio chapter supply guns, and explosives to the mobile Pittsburge mobile lence
	Kevin AKA Hot Rods Chapter
	Police Records: Facts

	Case 2:19-cv-00550 Document 1 Filed 07/25/19 Page 9 of 14 PageID #: 9
P.195	code to beat his old lady.
	out law smash a bottle over old lady's head and vail's her to a tree
P.1198	use a Hammer to bash her face!
8 Corall	from ment women Just stood there while wailed to a tree
7.204 5	A women first learn's that she, or her family will be
	beaten, or killed: - Sixty percent of the women with the gangs are there out of fear: - a girl who has been told If she leaves her boy friend hell Kill her parents parents when she is worn out at 22, if she ocomplains, it she can't meet her quota, if she become's a security risk she is killed
	Hells Angels 3 can keep a seeret if 2 are clear
	Author: Yves Lavigne
	Published by Carol Publishing group 120 Enterprize Avenue, secaucus do NJ 0709:
	Police Records! Facts!

a and a second	Case 2:19-cv-00550 Document 1 Filed 07/25/19 Page 10 of 14 PageID #: 10
	Webster Dictionary's definition of mab
	mob (mob) N 1) A large disorderly crowd
	OUT LOWE M.C
******	An organized gang of criminals-12 mobbed
reconstruction and the second	To crowd ground, and Jostle, or Attack
2)	To crowd into a place.
in in the second contract of the second contr	Mobster (mob'ster) N. Amember of a criminal
ativise a consequenti minima e a consequencia con la la conde e a sul la condideración con la consequencia del A consequencia del consequencia	gang outlaws me
n alternombras de debieta en le describi de la licuraria estatula de se de de debieta de la secripcio esta a un conse	
	Process, and a fair trial by a fair and Importial
	Jury, Pursuant to Wiva Const, Amend II, and
n neal for national and also abrieve short that we found the desirable distribution of the section of the secti	XIV 3 1, W.Va. Const, art III 3 10, and 14 are
	Violated
	State V. Kelly, 192 WVa 124, 451 5. E. 2d 425
	1994 W.Va. LEXIS 189 (W. Va 1994)
	State V. Dandy, 151 W Va 547, 153 S.E. 2d
	507, 1967 W. Va TEXIS 108 W. Va (1967)

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U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrissette Drive
Springfield, Virginia 22152

APR 18 2018

Case Number: 18-00514-F

Subject: Information on Third Parties- Broyles, Kevin Andrew; Tenney, Michael Shane; Bennett, Wendy Dawn and Ward, Trevor aka Legand

Terry Hughes Reg. No. 3453266 1255 Dyer Hill Road Sutton, West Virginia 26601

Dear Mr. Hughes:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated April 05, 2018, addressed to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject.

This is in response to your request for any and all documents regarding *Broyles, Kevin Andrew; Tenney, Michael Shane; Bennett, Wendy Dawn and Ward, Trevor aka Legand.* Please be advised that we neither confirm nor deny the existence of such records pursuant to Exemptions 6 & 7(C) of the FOIA. 5 U.S.C. § 552(b)(6), (7)(C). Even to acknowledge the existence of law enforcement records on another individual could reasonably be expected to constitute an unwarranted invasion of personal privacy. This is our standard response to such requests and should not be taken to mean that records do, or do not, exist.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at 202-307-7596 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute-
- (A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and (B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph. (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
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- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
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U.S. Department of Justice



Federal Bureau of Investigation Washington, D.C. 20535

August 22, 2018

MR. TERRY HUGHES
**3453266
CENTRAL REGIONAL JAIL
1255 DYER HILL ROAD
SUTTON, WV 26601

FOIPA Request No.: 1395319-000 Subject: BROYLES, KEVIN ANDREW

Dear Mr. Hughes:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. The FBI has completed its search for records responsive to your request. Below you will also find informational paragraphs relevant to your request. Please read each item carefully.

Based on the information you provided, we conducted a search of the Central Records System. We were unable to identify any main file records responsive to your request and; therefore, your request is being administratively closed. If you have additional information pertaining to the subject of your request, please submit a new request providing us with such details, and we will conduct an additional search.

Please be advised per standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: https://www.foiaonline.gov/foiaonline/action/public/home. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

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1425 New York Avenue N.W. Suite 11050 Washington, DC 20005

Terry Hughes No. 3453266 Central Regional Jail 1255 Dyer Hill Road Sutton, WV 26601

April 25, 2018

Dear Mr. Terry Hughes,

This is to advise you that your administrative appeal from the action of the FBI regarding Request No. 1395319 was received by the Office of Information Policy (OIP) of the U.S. Department of Justice on 04/16/2018.

OIP has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number DOJ-AP-2018-004355. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIAonline, you may also obtain an update on the status of your appeal by logging into your account.

Sincerely,

PRISCILLA

JONES

Digitally signed by PRISCILLA

JONES

Date: 2018.04.26 10:03:41 -04'00'

Priscilla Jones

Supervisory Administrative Specialist